

MAR 31

CHARLES ELMORE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1940

---

No. ~~904~~ 43

---

JIM DUCKWORTH,

*Appellant,*

*vs.*

THE STATE OF ARKANSAS.

---

APPEAL FROM THE SUPREME COURT OF THE STATE OF ARKANSAS.

---

MOTION TO DISMISS.

---

✓ JACK HOLT,

*Attorney General of Arkansas,*

✓ JNO. P. STREEPY,

*Assistant Attorney General of Arkansas,*

*Counsel for Appellee.*

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1940

---

**No. 904**

---

JIM DUCKWORTH,

*vs.*

*Appellant,*

THE STATE OF ARKANSAS,

*Appellee.*

---

**MOTION TO DISMISS.**

---

Comes the State of Arkansas, Appellee herein, by Jack Holt, her Attorney General, and Jno. P. Streepy, her Assistant Attorney General, and respectfully moves the Court to dismiss the appeal herein, for grounds alleging:

(1) Since the Supreme Court of the State of Arkansas, in construing Act No. 109 of the Acts of the General Assembly for the year 1935, found that permits to carry intoxicating liquor through and across the State must be issued by the State Revenue Commissioner to all alike, for a nominal amount, and further found that the State of Arkansas has the right to require such permits for the use of its roads, other facilities and the furnishing of Police inspections to prevent the unlawful dumping of liquor in the State, the incidental interference with Interstate Com-

merce does not violate Article I, Section 8, Paragraph 3, of the Constitution of the United States of America.

(2) In the absence of Congressional regulation of the transportation of intoxicating liquor in Interstate Commerce, the State of Arkansas, under its police power, can by statute act to protect its legitimate local interests in the regulation of Intrastate Commerce though interstate commerce is incidentally affected thereby.

Respectfully submitted,

(S.) JACK HOLT,  
*Attorney General of the State of Arkansas,*

(S.) JNO. P. STREEPY,  
*Assistant Attorney General for Arkansas,*  
*Counsel for Appellee.*

